

11/5/05

US Dist Ct

01-CV-

10615 MEL

Pls' Motion to Strike
All Testimony of
Peter Ferranuccio

Pls make this Motion on the
following grounds:

1. The stated purpose of yesterday's side bar was that Ferranuccio would be needed to rebut St Davignon's testimony in regard to his 2005 termination.

No such testimony was given. Instead, Ferranuccio was asked about alleged work rules and policies and

ethical matters in years
2000 and 2001. That was
not the stated basis yesterday.

2. Peroncello was NOT been
disclosed as a witness in
any list furnished by counsel,
supplementary or otherwise.

3. The events in this suit
all occurred in 2000.

Peroncello did not start
work for a Sharp
until 2001.

4. Perroncello's {oral
testimony} of
what was in a {written
"work rule"
is admissible as violating
the best evidence rule, partly
evidence. If such a writing
exists, it should be submitted
as an exhibit, not orally
described.

5. To the extent that A has
tried to qualify Perroncello
as an expert, or elicit expert
testimony, again this was never
disclosed to the before trial.

11/10/05

Att. Chy Beaujeu